

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERNEST E. KELLNER,

Plaintiff,

ORDER

v.

Case No. 20-cv-1032-jdp

ADAM FONTAINE,

Defendant.

Plaintiff Ernest E. Kellner has filed a proposed civil complaint and requested leave to proceed without prepaying the filing fee. To evaluate plaintiff's request to proceed without prepayment of the filing fee, I must review a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

For this case to proceed, plaintiff must submit the certified trust fund account statement no later than December 7, 2020. If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff Ernest E. Kellner may have until December 7, 2020 to submit a trust fund account statement for the period beginning approximately May 16, 2020 and ending approximately November 16, 2020. If, by December 7, 2020, plaintiff fails to

respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 16th day of November, 2020.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge